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EXAMINER	
CHAN, RICHARD	
ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/900,827	SCHWAB ET AL.	
	Examiner	Art Unit	
	RICHARD CHAN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 July 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see arguments, filed 7/28/09, with respect to the rejection(s) of claim(s) 8, 14-20, 33, 39-44, and 50-53 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Utsumi (5,796,816).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 33, 39-44, and 50-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Utsumi (5,796,816).

Regarding claim 33, Utsumi teaches at least one or more tangible computer-readable media comprising instructions that are executable by a communications device to:

initiate dialing of a plurality of telephone numbers included in a list stored by the communications device sequentially such that the dialing of each of the plurality of telephone numbers is initiated by a respective one of a plurality of sequential commands (Claim 1, Col.10 line 27-32)

; and return to one or more of the plurality of telephone numbers that are unanswered. Fig.2 (204, not receiving disconnect message, process is reiterated)

Regarding claim 39, Utsumi teaches the one or more tangible computer-readable media of claim 33, wherein the return is performed without manually entering the one or more of the plurality of telephone numbers. Fig.2 (204, not receiving disconnect message, process is reiterated)

Regarding claim 40, Utsumi teaches the one or more tangible computer-readable media of claim 33, wherein the returning includes rescheduling the dialing of the one or more said telephone numbers when the one or more said telephone numbers is unanswered. (Claim 1, Col.10 line 27-32)

Regarding claim 41, Utsumi teaches the one or more tangible computer-readable media of claim 33, wherein the instructions are executable to form the list to include telephone numbers of telephone calls that were received by the communications device and not answered. (Claim 1, Col.10 line 27-32)

Regarding claim 42, Utsumi teaches the one or more tangible computer-readable media of claim 41, wherein the list is formed using a caller ID. (Call list is based on phone numbers)

Regarding claim 43, Utsumi teaches the one or more tangible computer-readable media of claim 41, wherein the list is a schedule that details when at least one said telephone number is to be dialed. (Claim 1, Col.10 line 27-32)

Regarding claim 44, Utsumi teaches the communications device comprising a processor and memory (Fig.1) having instructions that are executable on the processor to form a list having a plurality of telephone numbers of unanswered telephone calls of the communications device and provide a feature to sequentially initiate dialing of the plurality of telephone numbers included in the list such that the dialing of each of the plurality of telephone numbers is initiated by a respective one of a plurality of sequential commands. (Claim 1, Col.10 line 27-32)

Regarding claim 50, Utsumi teaches the communications device of claim 44, further comprising rescheduling the dialing of a particular said telephone number when the particular said telephone number is unanswered. (Claim 1, Col.10 line 27-32)

Regarding claim 51, Utsumi teaches the communications device of claim 50, wherein the rescheduling is performed without manually entering the particular said telephone number. (Claim 1, Col.10 line 27-32)

Regarding claim 52, Utsumi teaches the communications device of claim 44, further comprising forming the list using caller ID to include telephone numbers of

telephone calls that were received by the communications device and were not answered. (Claim 1, Col.10 line 27-32)

Regarding claim 53, Utsumi teaches the communications device of claim 52, wherein the list is a schedule that details when at least one of the plurality of telephone numbers is to be dialed. (Claim 1)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8, 14-20, 33, 39-44, and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al. (US 5,636,267) in view of Utsumi (5,796,816).

Regarding claim 8, Utsumi teaches the method comprising:

sequentially initiating dialing (step 100) of a plurality of telephone numbers included in a list stored (on disk 4) by a communications device (Col.5 line 5-10) such that the dialing of each said telephone number is initiated by a respective one of a plurality of sequential commands; (Col.5 line 10-13 & Col.5 line 14-17)

However Utsumi ('267) does not specifically disclose wherein the deleting process such that the dialing of each said telephone is initiated by a respective one of a plurality of sequential commands.

However, the Utsumi ('816) reference discloses wherein the deleting, by the communications device, one or more of the telephone numbers from the list when a call to the one or more of the telephone numbers has been completed as a result of the dialing. (Claim 1, Col.10 line 37-43)

It would have been obvious to one of ordinary skill in the art to combine the immediate deletion of a phone number from a call list when the number meets the specific criteria of the list as disclosed by Utsumi ('816) to the phone number deletion system of Utsumi ('267) in order to free space up in the call list immediately.

Regarding claim 14, Utsumi ('267) and ('816) combined disclose the method of claim 8, further comprising returning to one of the plurality of telephone numbers when unanswered. (Col.6 line 12-23)

Regarding claim 15, Utsumi ('267) and ('816) combined disclose the method of claim 14, wherein the returning is performed without manually entering the one of the plurality of telephone numbers. (Col.6 line 12-23)

Regarding claim 16, Utsumi ('267) and ('816) combined disclose the method of claim 8, further comprising rescheduling the dialing of a particular one of the plurality of

telephone number when the particular one of the plurality of telephone numbers is unanswered. (Col.6 line 12-23)

Regarding claim 17, Utsumi ('267) and ('816) combined disclose the method of claim 16, wherein the rescheduling is performed without manually entering the particular one of the plurality of telephone numbers. (Col.6 line 12-23)

Regarding claim 18, Utsumi ('267) and ('816) combined disclose the method of claim 8, further comprising forming the list to include telephone numbers of telephone calls that were received by the communications device and not answered. (Col.6 line 12-23)

Regarding claim 19, Utsumi ('267) and ('816) combined disclose the method of claim 18, wherein the forming uses a caller ID.(List is ordered using telephone numbers that are extracted)

Regarding claim 20, Utsumi ('267) and ('816) combined disclose the method of claim 18, wherein the list is a schedule that details when at least one of the plurality of telephone numbers is to be dialed. (Col.6 line 12-23)

6. Claims 9-33, 34-36, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,636,267).

Regarding claims 9 - 11, Utsumi fails to specifically disclose the abbreviated command either entered manually, manually abbreviated command, or by spoken command of a user (although it should be noted that Utsumi does disclose a call command).

Official notice is taken that it is well known in the art to use call commands in either abbreviated manual commands, manual or spoken entry methods.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to either use manual or user spoken redial entry with Utsumi's cleaning method/system for telephone number list in order to provide the computer user of Utsumi with a wide array of call entry sequences.

Regarding claims 34-36, Utsumi fails to specifically disclose the one or more tangible computer-readable media of claim 33, abbreviated command either entered manually, manually abbreviated command, or by spoken command of a user (although it should be noted that Utsumi does disclose a call command).

Official notice is taken that it is well known in the art to use call commands in either abbreviated manual commands, manual or spoken entry methods.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to either use manual or user spoken redial entry with Utsumi's cleaning method/system for telephone number list in order to provide the computer user of Utsumi with a wide array of call entry sequences.

Regarding claims 45-47, Utsumi fails to specifically disclose the one or more tangible computer-readable media of claim 44, abbreviated command either entered manually, manually abbreviated command, or by spoken command of a user (although it should be noted that Utsumi does disclose a call command).

Official notice is taken that it is well known in the art to use call commands in either abbreviated manual commands, manual or spoken entry methods.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to either use manual or user spoken redial entry with Utsumi's cleaning method/system for telephone number list in order to provide the computer user of Utsumi with a wide array of call entry sequences.

7. Claims 12, 13, 21-32, 37, 38, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,636,267) in view of Iwase (US 5,636,267).

Regarding claim 12, Utsumi teaches the method of claim 8, however does not specifically teach the method further comprising outputting a pre- recorded message associated with at least one of the plurality of telephone numbers before dialing the at least one of the plurality of telephone numbers.

The Iwase reference however specifically teaches a device to communicate by telephone call and sending the destination phone number a prerecorded message. (Col.1 line 48-55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a pre-recorded message to be sent to a destination number as taught by Iwase to the Utsumi reference in order to communication to destination number users to be informed for the reason of the phone call.

Regarding claim 13, Utsumi and Iwase combined disclose the method of claim 12, wherein the pre-recorded message is a stored voice message. (Digital memory 15, Col.2 line 45-59 Iwase)

Regarding claim 21, Utsumi discloses the apparatus comprising:

means for receiving a command to dial a first of a plurality of telephone numbers included in a list;

means for dialing the first of the plurality of telephone numbers; (Col.5 line 10-13 & Col.5 line 14-17)

and means for resolving a call to the first of the plurality of telephone numbers that is a result of the dialing. (Col.5 line 14-17)

However, Utsumi does not specifically teach the means for outputting a pre-recorded message that is associated with the first of the plurality of telephone numbers;

The Iwase reference however specifically teaches a device to communicate by telephone call and sending the destination phone number a prerecorded message. (Col.1 line 48-55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a pre-recorded message to be sent to a destination number as taught by Iwase to the Utsumi reference in order to communication to destination number users to be informed for the reason of the phone call.

Regarding claims 22-24, Utsumi fails to specifically disclose the abbreviated command either entered manually, manually abbreviated command, or by spoken command of a user (although it should be noted that Utsumi does disclose a call command).

Official notice is taken that it is well known in the art to use call commands in either abbreviated manual commands, manual or spoken entry methods.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to either use manual or user spoken redial entry with Utsumi's cleaning method/system for telephone number list in order to provide the computer user of Utsumi with a wide array of call entry sequences.

Regarding claim 25, Utsumi and Iwase combined disclose a device to communicate by telephone call and sending the destination phone number a prerecorded message. (Col.1 line 48-55)

Regarding claim 26, Utsumi and Iwase combined disclose the apparatus of claim 21, wherein the resolving means includes means for returning to the first of the plurality

of telephone numbers when the first of the plurality of telephone numbers is unanswered. (Col.6 line 12-23)

Regarding claim 27, Utsumi and Iwase combined disclose the apparatus of claim 26, wherein the returning means is configured to perform without manual entry of the first of the plurality of telephone numbers. (Col.6 line 12-23)

Regarding claim 28, Utsumi and Iwase combined disclose the apparatus of claim 26, wherein the returning means is configured to reschedule the dialing of the first of the plurality of telephone numbers when the first of the plurality of telephone numbers is unanswered. (Col.6 line 12-23)

Regarding claim 29, Utsumi and Iwase combined disclose the apparatus of claim 28, wherein the returning means is configured to perform without manual entry of the first of the plurality of telephone numbers. (Col.6 line 12-23)

Regarding claim 30, Utsumi and Iwase combined disclose the apparatus of claim 21, further comprising means for forming the list to include one or more of the plurality of telephone numbers that correspond to one or more telephone calls that were received but not answered. (Col.6 line 12-23)

Regarding claim 31, Utsumi and Iwase combined disclose the apparatus of claim 30, wherein the forming uses a caller ID. (Col.6 line 12-23)

Regarding claim 32, Utsumi and Iwase combined disclose the apparatus of claim 30, wherein the list is a schedule that details when at least one of the plurality of telephone numbers is to be dialed. (Col.6 line 12-23)

Regarding claim 37, Utsumi teaches one or more tangible computer-readable media of claim 33, wherein the instructions are further configured to cause an output of a pre-recorded message associated with a particular one of the plurality of telephone numbers before dialing.

The Iwase reference however specifically teaches a device to communicate by telephone call and sending the destination phone number a prerecorded message. (Col.1 line 48-55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a pre-recorded message to be sent to a destination number as taught by Iwase to the Utsumi reference in order to communication to destination number users to be informed for the reason of the phone call.

Regarding claim 38, Utsumi and Iwase combined teach one or more tangible computer-readable media of claim 37, wherein the pre-recorded message is a stored voice message. (Col.1 line 48-55)

Regarding claim 48, Utsumi teaches the communications device of claim 44, however does not specifically disclose wherein the instructions are further executable to output a pre-recorded message associated with one of the plurality of telephone numbers before the dialing of the telephone number.

The Iwase reference however specifically teaches a device to communicate by telephone call and sending the destination phone number a prerecorded message. (Col.1 line 48-55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a pre-recorded message to be sent to a destination number as taught by Iwase to the Utsumi reference in order to communication to destination number users to be informed for the reason of the phone call.

Regarding claim 49, Utsumi and Iwase combined teach the communications device of claim 48, wherein the pre-recorded message is a stored voice message. (Col.1 line 48-55)

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD CHAN whose telephone number is (571)272-0570. The examiner can normally be reached on Mon - Fri (9AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard Chan/
Examiner, Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618